

Review and enforcement of orders of administrative agencies, boards, commissions, and officers, see rule 15 et seq.

FEDERAL RULES OF CIVIL PROCEDURE

Injunctions, see rule 65, Title 28, Appendix, Judiciary and Judicial Procedure.

Mandamus as abolished but relief yet available by appropriate action or motion under rules, see rule 81.

Subpoena, see rule 45.

FEDERAL RULES OF CRIMINAL PROCEDURE

Criminal contempt, see rule 42, Title 18, Appendix, Crimes and Criminal Procedure.

CROSS REFERENCES

Action to enjoin violations and institution of criminal proceedings under—

Investment Advisers Act of 1940, see section 80b-9 of this title.

Investment Company Act of 1940, see section 80a-41 of this title.

Securities Act of 1933, see section 77t of this title.

Securities Exchange Act of 1934, see section 78u of this title.

Trust Indenture Act of 1939, see section 77uuu of this title.

Administration of oaths, etc., under—

Investment Advisers Act of 1940, see section 80b-9 of this title.

Investment Company Act of 1940, see section 80a-41 of this title.

Securities Act of 1933, see section 77s of this title.

Securities Exchange Act of 1934, see section 78u of this title.

Trust Indenture Act of 1939, see section 77uuu of this title.

Attendance of witnesses and production of documents, judicial enforcement of orders under—

Investment Advisers Act of 1940, see section 80b-9 of this title.

Investment Company Act of 1940, see section 80a-41 of this title.

Securities Act of 1933, see section 77v of this title.

Securities Exchange Act of 1934, see section 78u of this title.

Trust Indenture Act of 1939, see section 77uuu of this title.

Contempt proceedings, see sections 401, 402, 3285, and 3691 of Title 18, Crimes and Criminal Procedure.

Immunity of witnesses, see section 6001 et seq. of Title 18.

Investigation of facts by Commission under—

Investment Advisers Act of 1940, see section 80b-9 of this title.

Investment Company Act of 1940, see section 80a-41 of this title.

Securities Act of 1933, see section 77t of this title.

Securities Exchange Act of 1934, see section 78u of this title.

Trust Indenture Act of 1939, see section 77uuu of this title.

Issuance of mandamus under—

Securities Act of 1933, see section 77t of this title.

Securities Exchange Act of 1934, see section 78u of this title.

Limitations on operations of holding company systems, enforcement of orders, see section 79k of this title.

Misleading statements, liability for, see section 79p of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 78u, 79k of this title.

§ 79s. Hearings before Commission

Hearings may be public and may be held before the Commission, any member or members

thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept. In any proceeding before the Commission, the Commission, in accordance with such rules and regulations as it may prescribe, shall admit as a party any interested State, State commission, State securities commission, municipality, or other political subdivision of a State, and may admit as a party any representative of interested consumers or security holders, or any other person whose participation in the proceedings may be in the public interest or for the protection of investors or consumers.

(Aug. 26, 1935, ch. 687, title I, § 19, 49 Stat. 832.)

TRANSFER OF FUNCTIONS

For transfer of functions of Securities and Exchange Commission, with certain exceptions, to Chairman of such Commission, see Reorg. Plan No. 10 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 78d of this title.

CROSS REFERENCES

Hearings by Commission under—

Investment Advisers Act of 1940, see section 80b-12 of this title.

Investment Company Act of 1940, see section 80a-40 of this title.

Securities Act of 1933, see section 77u of this title.

Securities Exchange Act of 1934, see section 78v of this title.

Trust Indenture Act of 1939, see section 77ttt of this title.

§ 79t. Rules, regulations, and orders

(a) Authority of Commission to make

The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as it may deem necessary or appropriate to carry out the provisions of this chapter, including rules and regulations defining accounting, technical, and trade terms used in this chapter. Among other things, the Commission shall have authority, for the purposes of this chapter, to prescribe the form or forms in which information required in any statement, declaration, application, report, or other document filed with the Commission shall be set forth, the items or details to be shown in balance sheets, profit and loss statements, and surplus accounts, the manner in which the cost of all assets, whenever determinable, shall be shown in regard to such statements, declarations, applications, reports, and other documents filed with the Commission, or accounts required to be kept by the rules, regulations, or orders of the Commission, and the methods to be followed in the keeping of accounts and cost-accounting procedures and the preparation of reports, in the segregation and allocation of costs, in the determination of liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and nonrecurring income, in the differentiation of investment and operating income, and in the keeping or preparation, where the Commission deems it necessary or appropriate, of separate or consolidated balance sheets or profit and loss statements for any companies in the same holding-company system.

(b) Consistency with laws of United States or States

In the case of the accounts of any company whose methods of accounting are prescribed under the provisions of any law of the United States or of any State, the rules and regulations or orders of the Commission in respect of accounts shall not be inconsistent with the requirements imposed by such law or any rule or regulation thereunder; nor shall anything in this chapter relieve any public-utility company from the duty to keep the accounts, books, records, or memoranda which may be required to be kept by the law of any State in which it operates or by the State Commission of any such State. But this provision shall not prevent the Commission from imposing such additional requirements regarding reports or accounts as it may deem necessary or appropriate in the public interest or for the protection of investors or consumers.

(c) Effective date; classification of persons and matters; hearings

The rules and regulations of the Commission shall be effective upon publication in the manner which the Commission shall prescribe. For the purpose of its rules, regulations, or orders the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters. Orders of the Commission under this chapter shall be issued only after opportunity for hearing.

(d) Filing information or documents by reference

The Commission, by such rules and regulations or order as it deems necessary or appropriate in the public interest or for the protection of investors or consumers, may authorize the filing of any information or documents required to be filed with the Commission under this chapter, or under the Securities Act of 1933, as amended [15 U.S.C. 77a et seq.], or under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.], by incorporating by reference any information or documents theretofore or concurrently filed with the Commission under this chapter or either of such Acts. No provision of this chapter imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(Aug. 26, 1935, ch. 687, title I, § 20, 49 Stat. 833.)

REFERENCES IN TEXT

The Securities Act of 1933, referred to in subsec. (d), is act May 27, 1933, ch. 38, title I, 48 Stat. 74, as amended, which is classified generally to subchapter I (§ 77a et seq.) of chapter 2A of this title. For complete classification of this Act to the Code, see section 77a of this title and Tables.

The Securities Exchange Act of 1934, referred to in subsec. (d), is act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified generally to chapter 2B (§ 78a et seq.) of this title. For complete classification of this Act to the Code, see section 78a of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of functions of Securities and Exchange Commission, with certain exceptions, to Chairman of such Commission, see Reorg. Plan No. 10 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 78d of this title.

CROSS REFERENCES

Rules and regulations—

Acquisition of securities and utility assets and other interests, see section 79i of this title.

Approval of acquisition of securities and utility assets and other interests, see section 79j of this title.

Declarations by registered companies in respect to security transactions, see section 79g of this title. Exemptions regarding holding companies, subsidiary companies, and affiliates, power of Commission to make, see section 79c of this title.

Integration of procedure with other acts, see section 77hhh of this title.

Investment Advisers Act of 1940, see section 80b–11 of this title.

Investment Company Act of 1940, see section 80a–37 of this title.

Registration of holding companies and registration statements, see section 79e of this title.

Securities Act of 1933, see section 77s of this title. Securities Exchange Act of 1934, see sections 78c and 78w of this title.

Trust Indenture Act of 1939, see section 77sss of this title.

Unlawful transactions by registered companies, see section 79f of this title.

§ 79u. Effect on other laws

Nothing in this chapter shall affect (1) the jurisdiction of the Commission under the Securities Act of 1933, as amended [15 U.S.C. 77a et seq.], or the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.] over any person, security, or contract, or (2) the rights, obligations, duties, or liabilities of any person under such Acts; nor shall anything in this chapter affect the jurisdiction of any other commission, board, agency, or officer of the United States or of any State or political subdivision of any State, over any person, security, or contract, insofar as such jurisdiction does not conflict with any provision of this chapter or any rule, regulation, or order thereunder.

(Aug. 26, 1935, ch. 687, title I, § 21, 49 Stat. 834.)

REFERENCES IN TEXT

The Securities Act of 1933, referred to in text, is act May 27, 1933, ch. 38, title I, 48 Stat. 74, as amended, which is classified generally to subchapter I (§ 77a et seq.) of chapter 2A of this title. For complete classification of this Act to the Code, see section 77a of this title and Tables.

The Securities Exchange Act of 1934, referred to in text, is act June 6, 1934, ch. 404, 48 Stat. 881, as amended, which is classified generally to chapter 2B (§ 78a et seq.) of this title. For complete classification of this Act to the Code, see section 78a of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of functions of Securities and Exchange Commission, with certain exceptions, to Chairman of such Commission, see Reorg. Plan No. 10 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 78d of this title.